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PTO/SB/01 (08-03)

Approved for use through 07/31/2008. OMB 0651-0032
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DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)

Declaration Submitted With Initial Filing Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16(e) required)

OR

Attorney Docket Number	6270-701.201
First Named Inventor	Sareh S. Bacus
COMPLETE IF KNOWN	
Application Number	10/735,118
Filing Date	December 11, 2003
Art Unit	1642
Examiner Name	Unassigned

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

METHOD OF PREDICTING RESPONSE TO HER2-DIRECTED THERAPY*(Title of the Invention)*

the specification of which

is attached hereto
OR
 was filed on (MM/DD/YYYY) **12/11/2003** as United States Application Number or PCT International

Application Number **10/735, 118** and was amended on (MM/DD/YYYY) (If applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or of any PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached? Yes	No
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

 Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/028 attached hereto.

I hereby claim the benefit under 35 U.S.C. 119(h) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/028 attached hereto.
60/432,942	12/11/2002	<input type="checkbox"/>
60/370,473	04/05/2002	<input type="checkbox"/>

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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DECLARATION — Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT International application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of the application is not designated in the prior United States or PCT International application in the manner provided by the first paragraph of 31 U.S.C. 112. I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

U.S. Parent Application or PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)
10/408,520	04/07/2003	

Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/028 attached hereto.

As a named Inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Customer Number → Place Customer Number Bar Code Label here

OR

Registered practitioner(s) name/registration number listed below

Name	Registration Number	Name	Registration Number

Additional registered practitioner(s) named on supplemental Registered Practitioner Information sheet PTO/SB/02C attached hereto.

Direct all correspondence to: Customer Number or Bar Code Label OR Correspondence address below

Name	Shirley Chen, Ph.D.				
Address	Wilson Sonsini Goodrich & Rosati				
Address	650 Page Mill Road				
City	Palo Alto	State	CA	ZIP	94304
Country	U.S.	Telephone	650-493-9300		Fax 650-493-6811

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:	<input type="checkbox"/> A petition has been filed for this unsigned inventor						
Given Name (first and middle (if any))			Family Name or Surname				
Sarah S.			BACUS				
Inventor's Signature	<i>Shirley Chen</i>					Date	
Residence: City	Hinsdale	State	IL	Country	U.S.	Citizenship	U.S.
Post Office Address	1222 Indian Trail Road						
Post Office Address							
City	Hinsdale	State	IL	ZIP	60521-2923	Country	U.S.

Additional Inventors are being named on the 1 supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto:

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PTO/SB/02A (3-97)

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DECLARATION**ADDITIONAL INVENTOR(S)**
Supplemental Sheet
Page 1 of 1

Name of Additional Joint Inventor, If any:		<input type="checkbox"/> A petition has been filed for this unsigned Inventor						
Given Name (first and middle (if any))			Family Name or Surname					
Bradley L.			SMITH					
Inventor's Signature						Date		
Residence: City	Marblehead	State	MA	Country	U.S.	Citizenship	U.S.	
Post Office Address	25 Willow Road							
Post Office Address								
City	Marblehead	State	MA	ZIP	01945	Country	U.S.	
Name of Additional Joint Inventor, If any:			<input type="checkbox"/> A petition has been filed for this unsigned Inventor					
Given Name (first and middle (if any))			Family Name or Surname					
Inventor's Signature						Date		
City		State		Country		Citizenship		
Post Office Address								
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Inventor's Signature						Date		
City		State		Country		Citizenship		
Post Office Address								
Post Office Address								
City		State		ZIP		Country		

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<input type="checkbox"/> Declaration Submitted With Initial Filing		First Named Inventor	Sarah S. Bacus
<input checked="" type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16(e) required)		<i>COMPLETE IF KNOWN</i>	
OR		Application Number	10/735,118
		Filing Date	December 11, 2003
		Art Unit	1642
		Examiner Name	Unassigned

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(Title of the Invention)

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			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

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Application Number(s)	Filing Date (MM/DD/YYYY)	
60/432,942	12/11/2002	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/028 attached hereto.
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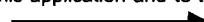
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10/408,520	04/07/2003	

Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/028 attached hereto.

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Customer Number 021971 

OR

Registered practitioner(s) name/registration number listed below

Name	Registration Number	Name	Registration Number

Additional registered practitioner(s) named on supplemental Registered Practitioner Information sheet PTO/SB/02C attached hereto.

Direct all correspondence to: Customer Number 021971  OR Correspondence address below

Name	Shirley Chen, Ph.D.					
Address	Wilson Sonsini Goodrich & Rosati					
Address	650 Page Mill Road					
City	Palo Alto	State	CA	ZIP	94304	
Country	U.S.	Telephone	650-493-9300	Fax	650-493-6811	

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:	<input type="checkbox"/> A petition has been filed for this unsigned inventor						
Given Name (first and middle if any)				Family Name or Surname			
Sarah S.				BACUS			
Inventor's Signature						Date	
Residence: City	Hinsdale	State	IL	Country	U.S.	Citizenship	U.S.
Post Office Address	1222 Indian Trail Road						
Post Office Address							
City	Hinsdale	State	IL	ZIP	60521-2923	Country	U.S.
<input checked="" type="checkbox"/> Additional inventors are being named on the <u>1</u> supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto:							

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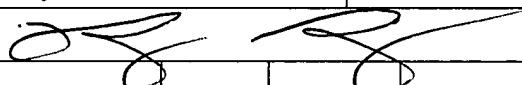
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DECLARATION	ADDITIONAL INVENTOR(S) Supplemental Sheet Page <u>1</u> of <u>1</u>
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Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle (if any)			Family Name or Surname				
Bradley L.			SMITH				
Inventor's Signature						Date	6-30-94
Residence: City	Marblehead	State	MA	Country	U.S.	Citizenship	U.S.
Post Office Address	25 Willow Road						
Post Office Address							
City	Marblehead	State	MA	ZIP	01945	Country	U.S.
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Inventor's Signature						Date	
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Post Office Address							
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